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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18041 of 2024

1. S.Ramar
2. Jeyapriya

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.84 of 2023).

... Respondent/Complainant

For Petitioners : M.A.M.Raja,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-38AB.For Anticipatory Bail in Crime No.84 of 2023 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 441, 294(b), 427 and 506(i) IPC in Crime No.84 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners herein trespassed into the land belonging to the defacto complainant and damaged the fencing worth about Rs.8,0000/- . Hence, the case.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

4.Considering the nature of allegations that on account of the land dispute the petitioners herein trespassed into the land belonging to the defacto complainant and threatened him and damaged the fencing worth about Rs.8,000/- and that the petitioners are ready and willing to deposit a sum of Rs.4,000/- each, I am inclined enlarge the petitioners on anticipatory bail.

5.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I,

Usilampatti, on condition that the petitioners shall execute a bond for a sum of

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Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) As per the undertaking, the petitioners shall deposit a sum of Rs.4,000/- (Rupees Four Thousand only) each to the credit of Crime No.84 of 2023, before the Court concerned, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(c) the petitioners shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail



by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560]; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/10/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.I, Usilampatti.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The State of Tamil Nadu,
Rep by the Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.RAJA, Advocate (SR-12983[I] dated 23/10/2024)



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CRL OP(MD) No.18041 of 2024
Date :21/10/2024

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